



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

December 16, 2013

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Transportation  
and Safety v. Joe & Jans Inc.  
C-2013-2156913

Dear Ms. Chiavetta:

Enclosed for filing is the Answer to New Matter of the Bureau of Transportation and Safety of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

Adam D. Young  
Assistant Counsel  
Attorney ID No. 91822  
Pennsylvania Public Utility Commission

Enclosures

cc: As per Certificate of Service

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PA PUC  
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION BUREAU OF  
TRANSPORTATION AND SAFETY

V.

JOE & JANS INC  
132 MCCRACKEN ROAD  
DANVILLE PA 17821

DOCKET NO. C-2013-2156913

ANSWER TO NEW MATTER

Now comes, Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement ("I&E"), and files this Answer to New Matter. I&E hereby represents as follows:

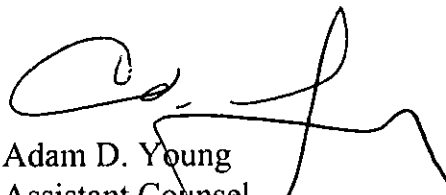
5. Admitted. By way of further response, Respondent submitted to, and subsequently received "unsatisfactory" results from, three Safety Fitness Reviews ("SFR"). The first being conducted on April 27, 2010; the second on December 9, 2010; and the third on May 2, 2012. Respondent received notice well in advance of each scheduled SFR, thereby having ample opportunity to remedy any deficiencies. Respondent's "response" to the unsatisfactory result of its third SFR, mailed June 18, 2012 and again on December 7, 2012, is immaterial, because the compliance office would NOT be conducting a fourth SFR. Additionally, The Motor Carrier Division did not receive Respondent's response.

6. Admitted. By way of further response, it is admitted that on December 7, 2012, Respondent re-submitted its “response” to its third unsatisfactory SFR, and for the reasons set forth above, such submission was immaterial. Moreover, the Motor Carrier Division did not receive these documents. While it is admitted that Respondent also submitted on this day a “Form OP-I(P) ~ Application for Motor Passenger Carrier Authority” to provide passenger service for 16+ passengers, such application is a FEDERAL application for group and party authority over which the Commission has no jurisdiction to approve or deny.

7. Admitted. By way of further response, the third submission of Respondent’s “response” has been received by the Motor Carrier Division, but still will require a fourth SFR. As of this time, Respondent has not received a satisfactory rating on a SFR.

WHEREFORE, the I&E hereby requests that the Commission cancel Respondent’s Certificate of Public Convenience for failing to successfully obtain a satisfactory Safety Fitness Review.

Respectfully submitted,



Adam D. Young  
Assistant Counsel  
Attorney I.D. No. 91822

Counsel for the Pennsylvania  
Public Utility Commission  
Bureau of Investigation and Enforcement

P.O. Box 3265  
Harrisburg, PA 17105  
(717) 787-5000

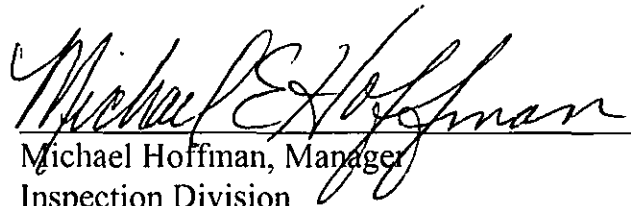
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VERIFICATION

I, Michael Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: 12/16/2013

  
\_\_\_\_\_  
Michael Hoffman, Manager  
Inspection Division  
Bureau of Investigation and Enforcement

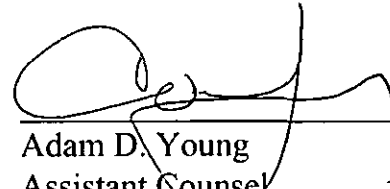
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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document, Answer to New Matter, upon the persons listed and in the manner indicated below:

### Service by First Class Mail:

Laurinda J. Voelcker, Esq.  
Voelcker Law Office  
17 East Mahoning Street  
Danville, PA 17821



Adam D. Young  
Assistant Counsel  
Attorney ID No. 91822  
Pennsylvania Public Utility Commission

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Dated: December 16, 2013

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